

1 ERIC A. HERZOG (BAR NO. 229066)
2 NORTON ROSE FULBRIGHT US LLP
3 555 South Flower Street, 41st Floor
4 Los Angeles, CA 90071
5 Telephone: (213) 892-9200
6 Facsimile: (213) 892-9494
7 eric.herzog@nortonrosefulbright.com

8 ROBERT A. BURGOYNE (pro hac vice)
9 CAROLINE M. MEW (pro hac vice)
10 NORTON ROSE FULBRIGHT US LLP
11 801 Pennsylvania Avenue, NW
12 Washington, DC 20004
13 Telephone: (202) 662-0200
14 Facsimile: (202) 662-4643
15 robert.burgoyne@nortonrosefulbright.com
16 caroline.mew@nortonrosefulbright.com

17 Attorneys for Defendant
18 LAW SCHOOL ADMISSION COUNCIL, INC.

19
20 **IN THE UNITED STATES DISTRICT COURT**
21 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
22 **SAN FRANCISCO DIVISION**

23 THE DEPARTMENT OF FAIR EMPLOYMENT
24 AND HOUSING,
25 Plaintiff,

26 v.

27 LAW SCHOOL ADMISSION COUNCIL, INC.,
28 Defendant.

THE UNITED STATES OF AMERICA,
Plaintiff-Intervenor,

v.

LAW SCHOOL ADMISSION COUNCIL, INC.,
Defendant.

No. CV 12-1830-EMC

**DECLARATION OF
CAROLINE MEW IN SUPPORT OF
LSAC'S APPEAL FROM THE
PANEL'S RECOMMENDED "BEST
PRACTICES"**

I, Caroline Mew, declare:

1. I am an attorney duly licensed to practice law in the District of Columbia. I am employed by Norton Rose Fulbright US LLP, and I am a counsel of record for Law School Admission Council ("LSAC") in this action. Except where otherwise stated, I have personal knowledge of the facts stated below.

2. Attached hereto at Exhibit A is a true and correct copy of the January 26, 2015,

1 Final Report of the "Best Practices" Panel.

2 3. Attached hereto at Exhibit B is a true and correct copy of the January 26, 2015,
3 Best Practices Panel Minority Report.

4 4. Attached hereto at Exhibit C is a true and correct copy of the January 26, 2015
5 Final Ex Parte Log of "Best Practices" Panel Pursuant to Consent Decree Between DOJ, DFEH
6 and LSAC.

7 5. Attached hereto at Exhibit D is a true and correct copy of pages excerpted from a
8 document entitled "United States' Position Statement and Recommendations to the Panel", dated
9 July 23, 2014 (pages 1, 8, 12).

10 6. Attached hereto at Exhibit E is a true and correct copy of pages excerpted from a
11 July 23, 2014 letter from Mari Mayeda and Joni Carrasco, without attachments, regarding "DFEH
12 Position Statement for Best Practices Panel Meeting on August 7, 2014" (pages 1, 5).

13 7. Attached hereto at Exhibit F is a true and correct copy of a September 16, 2014 e-
14 mail, without attachments, from Nabina Sinha with the subject line "Best Practices Panel:
15 Suggested interviewees and additional candidate files (1 of 5)."

16 8. Attached hereto at Exhibit G is a true and correct copy, based on information and
17 belief, of a February 1, 2015 e-mail from Ruth Colker to LSAC Board member Susan Krinsky,
18 with the subject line "Best Practices Final, Redacted Report." Later e-mails forwarding this e-
19 mail have been redacted from this printout.

20 9. Attached hereto at Exhibit H is a true and correct copy of a printout of a February
21 13, 2015 posting on the Concurring Opinions blog (www.concurringopinions.com), entitled "Best
22 Practices Panel Report for LSAC." Pages of the printout that do not contain the actual posting
23 have been omitted from Exhibit H.

24 10. Attached hereto at Exhibit I is a true and correct copy of a document entitled
25 "Executive Summary of the Final Report of the 'Best Practices' Panel," which was obtained from
26 a link on the Concurring Opinions blog at [http://concurringopinions.com/archives/2015/02/best-](http://concurringopinions.com/archives/2015/02/best-practices-panel-report-for-lsac.html)
27 [practices-panel-report-for-lsac.html](http://concurringopinions.com/archives/2015/02/best-practices-panel-report-for-lsac.html).

28 11. Attached hereto at Exhibit J is a true and correct copy of printout of a February 11,

91299305.1

- 1 -

1 2015 posting on the Feminist Law Professors blog (www.feministlawprofessors.com) entitled
2 “Report of ‘Best Practices’ Panel on Changes LSAC Must Make.”

3 12. Attached hereto at Exhibit K is a true and correct copy of a printout of a February
4 12, 2015 posting on the Prawfs Blawg blog (<http://prawfsblawg.blogs.com/>) entitled “LSAC
5 Report on Best Practices.” Pages of the printout that do not contain the actual posting (including
6 subsequent pages containing comments to the posting) have been omitted from Exhibit K.

7 13. Attached hereto at Exhibit L is a true and correct copy of a printout of a February
8 11, 2015 posting on the Law School Café blog (www.lawschoolcafe.org) entitled “Best Practices
9 for the LSAC.” One page of the printout that does not contain the actual posting has been omitted
10 from Exhibit L.

11 14. Attached hereto at Exhibit M is a true and correct copy of a printout of a February
12 11, 2015 posting on Professor Ruth Colker’s website (<http://moritzlaw.osu.edu/sites/colker2/>)
13 entitled “Best Practices Report in DOJ & DFEH v. LSAC.” Pages of the printout that do not
14 contain the actual posting have been omitted from Exhibit M.

15 15. Attached hereto at Exhibit N is a true and correct copy of a printout of Ruth
16 Colker’s Twitter page containing tweets relating to the “Best Practices” Panel report. Pages of
17 the printout that do not contain these tweets have been omitted from Exhibit N.

18 16. Attached hereto at Exhibit O is a true and correct copy of a printout from the
19 AHEAD website (www.ahead.org) advertising a webinar entitled “Disability Law in the News:
20 ‘Best Practices’ Concerning the Law School Admissions Test.”

21 17. Attached hereto at Exhibit P is a true and correct copy of the Final Report of the
22 “Best Practices” Panel as highlighted by LSAC to indicate Panel recommendations that LSAC
23 believes should be stricken from the Final Report to eliminate provisions that conflict with the
24 Consent Decree (shown in yellow highlight) and to indicate additional language that LSAC
25 believes should be added to the Final Report to conform the Panel’s recommendations to the
26 Consent Decree (shown in blue highlight). Exhibit P also adds numbers in the margins to the
27 bullet points contained on pages 22-24 and 25-29, to assist the Court in locating references to
28 these in LSAC’s accompanying brief.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3 Executed on March 26, 2015, in Washington, District of Columbia.
4

5 
6 Caroline Mew

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28